

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IN RE CELGENE CORPORATION, INC.  
SECURITIES LITIGATION

Civil Action No. 18-cv-4772 (MEF) (JBC)

**STIPULATION AND ORDER  
REGARDING DISMISSAL OF APRIL  
2017 CORPORATE STATEMENTS**

Lead Plaintiff and Class Representative AMF Pensionsförsäkring AB (“Plaintiff”) and Defendants Celgene Corporation, Scott Smith, Terrie Curran, and Philippe Martin (“Defendants”) hereby stipulate as follows:

WHEREAS, on October 27, 2023 Defendants moved for partial summary judgment with respect to Defendant Celgene Corporation’s alleged corporate statements related to Ozanimod, D.E. 278;

WHEREAS, Plaintiff opposes Defendants’ motion with respect to Celgene’s corporate statements in July, September and October 2017, and in January and February 2018, but does not oppose summary judgment with respect to Celgene’s alleged corporate statements in April 2017, D.E. 279, which are identified in paragraphs 389-390 and 393-394 of the Third Amended Consolidated Class Action Complaint (D.E. 175) (“TAC”);

WHEREAS, the Court directed Plaintiff to file a stipulation regarding the dismissal of Celgene’s alleged corporate statements in April 2017, D.E. 293;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties, that, subject to the Court’s approval:

1. The alleged false or misleading corporate statements identified in paragraphs 389-390 and 393-394 of the TAC are dismissed with prejudice from this action.

Dated: May 30, 2023

Respectfully submitted,

/s/ James E. Cecchi

James E. Cecchi

Kevin Cooper

**CARELLA, BYRNE, CECCHI, BRODY &  
AGNELLO, P.C.**

5 Becker Farm Road

Roseland, NJ 07068

Tel: (973) 994-1700

Fax: (973) 994-1744

Christopher A. Seeger

**SEEGER WEISS, LLP**

55 Challenger Road 6th Floor

Ridgefield Park, NJ 07660

Tel: (973) 994-9100

Fax: (973) 639-9393

***Co-Liaison Counsel for Lead Plaintiff and the  
Class***

Andrew L. Zivitz

Matthew L. Mustokoff

Joshua E. D'Ancona

Margaret E. Mazzeo

Nathan A. Hasiuk

**KESSLER TOPAZ MELTZER  
& CHECK LLP**

280 King of Prussia Rd.

Radnor, PA 19087

Tel: (610) 667-7706

Fax: (610) 667-7056

***Lead Counsel for Lead Plaintiff and the Class***

Salvatore J. Graziano

Adam H. Wierzbowski

/s/ Kate E. Janukowicz

Lawrence S. Lustberg

Kate E. Janukowicz

**GIBBONS P.C.**

One Gateway Center

Newark, NJ 07102

Tel: (973) 596-4500

Fax: (973) 596-0545

Robert C. Micheletto

Nina Yadava

Sarah D. Efronson

**JONES DAY**

250 Vesey Street

New York, NY 10281

Tel: (212) 326-3690

Fax: (212) 755-7306

***Counsel for Defendants***

Robert F. Kravetz  
**BERNSTEIN LITOWITZ**  
**BERGER & GROSSMANN LLP**  
1251 Avenue of the Americas  
New York, NY 10020  
Telephone: (212) 554-1400  
Fax: (212) 554-1448

*Additional Counsel for the Class*

IT IS SO ORDERED

May 30, 2024, 2023

Signed: \_\_\_\_\_

  
\_\_\_\_\_  
HON. MICHAEL E. FARBIARZ  
UNITED STATES DISTRICT JUDGE